

**NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES**

Community Crisis Homes

California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action described below. Any person interested may present statements or arguments relating to the proposed regulations in writing, e-mail, or by facsimile to the address, e-mail address, or numbers listed below. All comments must be received by April 14, 2021.

Following the close of the public notice, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who submit written comments during the public comment period and all persons who request notification on this proposal. Please address requests for regulations as modified to the agency contact identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on CDSS' public hearing page (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public notice period, copies of the Final Statement of Reasons will also be available at the following address:

CONTACT: California Department of Social Services
Office of Regulations Development
744 P. Street, MS 8-4-192
Sacramento, CA 95814
Tel: (916) 657-2586, **Fax:** (916) 654-3286
Email: ord@dss.ca.gov

Contact Person: Kenneth Jennings (916) 657-2586
Backup: Oliver Chu (916) 657-2586

CDSS has not scheduled a public hearing on this proposed action. However, CDSS will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Any request should be made to the contact information provided above.

CHAPTERS

6.1 Community Crisis Homes

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill (SB) 81 (Chapter 28, Statutes of 2019) made changes to the community care facility category of community crisis homes which became effective when it was signed into law on June 27, 2019. Community crisis homes are licensed by the CDSS and certified by the Department of Developmental Services (DDS). Community crisis homes can be licensed as an adult residential facility or group home and provide 24-hour nonmedical care to individuals with developmental disabilities receiving regional center services, in need of crisis intervention services, and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center, Sonoma Developmental Center, an acute general hospital, acute psychiatric hospital, an institution for mental disease, as described, or an out-of-state placement. A community crisis home has a maximum capacity of eight consumers, as defined in Section 4698(a)(1) of the Welfare and Institutions Code, and shall be eligible for federal Medicaid home- and community- based services funding.

Community crisis homes were created under SB 856 (Chapter 30, Statutes of 2014) after state-operated developmental centers (DCs) were financially scrutinized and assessed for its efficiency in providing services for the individuals with developmental disabilities. The aging DC infrastructure, the moratorium on admissions and gradual decline in DC population, associated costs of operation and the recent development of new community based residential and service models capable of meeting the service needs of people with significant health and behavioral needs reduced the reliance on state-operated DCs.

Prior to SB 81, community crisis homes could only be licensed as adult residential facilities, offering services to the adult population. Given the closure of DCs per the 2015 May Revision to the Governor's Budget, the facilities which served children with developmental disabilities are no longer active, bringing to light a lack of specialized settings to meet the needs of this population. In light of this overall transition and need for placement of DDS consumers into community-based facilities, recent legislation has amended community crisis homes to include children in its clientele. These regulations are established to adequately serve and protect the individuals who will be utilizing these newer private services as opposed to the closely monitored and controlled services they have previously received from the closing and closed DCs. These regulations also seek to serve and protect public welfare. Further, because the individuals served under these regulations will have behavioral challenges which go beyond the typical ones currently overseen by the facilities currently regulated by CDSS, these emergency Title 22 regulations are needed to provide the appropriate framework for the management of this new type of facilities for children.

These proposed regulations amend community crisis home regulations found in Chapter 6.1 of Division 6 of Title 22 of the California Code of Regulations in order to implement SB 81 by adopting, amending, and/or incorporating regulations pertinent to group homes, allowing group homes to be licensed as community crisis homes to serve this population of children.

In addition, the proposed regulations will make other technical, conforming changes, such as amending cross references as necessary.

Consistency/Non-Duplication

The CDSS finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 81, as well as with existing state regulations.

During the process of developing these regulations and amendments, CDSS has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. The CDSS has endeavored to ensure that these regulatory amendments comply with the non-duplication standard found in Title 1, California Code of Regulations. In some instances, the amended regulations duplicate California statute in part where the statute is cited as “authority” or “reference” for the proposed regulation and the duplication or overlap is necessary to satisfy the “clarity” standard of GC section 11349.1(a)(3).

Benefits

These regulations improve the health, safety, and quality of life of affected children by providing them appropriate services and placement settings. Other than listed, there are no other known benefits for protection of public health and safety, worker safety, or the environment.

Forms/Incorporation by Reference

There are no forms or other items incorporated by reference.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: There is no impact to the county share of cost for affected programs.
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These proposed Children’s Residential Program regulations do not impose a mandate on local agencies, or on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make technical and clarifying changes.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only licensees that make the business decision to serve clients that present behavioral issues and are in need of crisis intervention services.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulatory action is designed to impact only existing group homes which express an interest in licensure as a community crisis home and new provider applicants that without this new category would most likely apply to operate a group home to serve the same population, thus incurring the typical costs of running a group home.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses because these regulations are only applicable to licensees that make the business decision to serve clients that present behavioral issues and are in need of crisis intervention services. These regulations are mandated by SB 81 (Chapter 29, Statutes of 2019); therefore, they do not have a cost impact on the private sector, including small businesses.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will benefit the health and safety of clients in facilities and will help with the placement of clients to a less institutionalized living arrangement as they receive crisis intervention services. There are no additional benefits for worker safety or the state's environment, as the regulations only affect licensees that make the business decision to serve clients that present behavioral issues and are in need of crisis intervention services.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider alternatives because no alternatives have been presented.

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 1530, 1567.81, and 1567.87 of Health and Safety Code. Subject regulations implement and make specific Section 1567.81 of Health and Safety Code as amended by SB 81 (Chapter 29, Statutes of 2019).

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. To allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be noticed to the public for at least 45-days for public comment in accordance with Government Code section 11346.4.